

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARILYN MARIE SMITH,	:	CIVIL ACTION NO. 1:20-CV-758
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DOUG LAWYER FRISON, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 11th day of August, 2021, upon consideration of the report (Doc. 10) of Magistrate Judge William I. Arbuckle, issued following review of *pro se* plaintiff Marilyn Marie Smith’s amended complaint, wherein Judge Arbuckle opines that Smith’s pleading violates Rule 8 of the Federal Rules of Civil Procedure, in that the pleading, among other things, fails to articulate what claims Smith is attempting to raise or to allege the named defendants’ involvement therein, and wherein Judge Arbuckle recommends further leave to amend be denied as futile, since Smith has already once been given leave to amend after being alerted to the deficiencies in her complaint and filed an amended complaint that fails to cure those deficiencies and instead compounds them, and the court noting that Smith filed a collection of documents docketed by the Clerk of Court as “objections,” (see Doc. 11); see also FED. R. CIV. P. 72(b)(2), and following *de novo* review of the report, see E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)), and affording “reasoned consideration” to the uncontested portions, id. (quoting Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)), the court finding

that the conclusions reached by Judge Arbuckle are well reasoned and fully supported by the record and the applicable law, and finding Smith's documents, construed as "objections" by the Clerk of Court, to be without merit in that they are largely unintelligible and fail to address or remedy the deficiencies identified in the report, it is hereby ORDERED that:

1. Magistrate Judge Arbuckle's report (Doc. 10) is ADOPTED.
2. Smith's amended complaint (Doc. 9) is DISMISSED without further leave to amend.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court is directed to close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania